(1)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Contempt Petition. No 76 /2005

APPLICANT

Dr. O.P. Tiwari S/o G.P. Tiwari Aged about-40 years, Assistant Surgeon, Veterinary Department, R/o Veterinary Hospital Campus, Bilaspur, District- Bilaspur (C.G.)

VERSUS

CONTEMNORS

1) Dr.H.L. Prajapati Aged about 58 years, Secretary Through: the Secretary, Animal Husbandry, DKS Bhawan, Raipur, District- Raipur (C.G.)

2) Sri Subodh Singh Aged about 48 years Director, Veterinary Health Services, Opp. Ghasidas Mahant Granthailay, Near Collector Office, Raipur, Distt- Raipur (C.G.)

3) Sri D.k.Siyar Aged about 50 years, The Joint Director, Veterinary Health Services, 1st Floor, Composite Building, Opp. Collectorate Bilaspur District- Bilaspur (C.G.)

P.R. No. 1831/05
Presented by Shri N.D. Dhurvey
dated 11.8.05

शपथ आयुक्त
एच.के. तिवारी
बिलासपुर (छ.ग.)
बिलासपुर तहसील कोर्ट

(2)

Contempt petition U/s 12 contempt of Court Act Read with article 215 of Constitution of India

287

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ....Cont. P. 76/05..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DIVISION BENCH
HON'BLE SHRI A.K. PATNAIK, CJ.
HON'BLE SHRI SUNIL KUMAR SINHA, J.

26-09-2005.

Cont. Petition No. 76 of 2005.

Heard Mr. Gautam Bhaduri, learned counsel for the applicant and Mr. V.R. Tiwari, learned counsel for the Contemnors.

This is a contempt petition in which the petitioner has complained of willful violation of the direction of this Court in the order dated 06-05-2005 in W.P. No. 1518 of 2004 to consider the claim of the petitioner for his salary in accordance with the relevant rules and pass appropriate orders and communicate such orders to the petitioner within a period of one month ignoring the order of suspension that we have quashed.

It appears from the return filed by the respondents that after considering the said claim of the petitioner, Deputy Director, Veterinary Service, Korba sent a communication dated 31.08.2005 to the petitioner along with a Demand Draft for Rs.1,95,829/- towards the dues of the petitioner towards his salary.

The case of the petitioner is that the said sum of Rs.1,95,829/- does not represent the actual dues of the petitioner towards his salary for the relevant period. His case is that he has been working at Bilaspur and only for part of the period his salary has been paid.

A civil contempt has been defined under the Contempt of Courts Act, 1971 as willful disobedience of the order passed by this Court. The order passed by this Court in W.P. No.1518 of 2004 on 06.05.2005 was a direction to the respondents to consider the claim of the petitioner for his salary in accordance with the relevant rules and pass appropriate orders

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... Cont. P. 76/05 ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

and communicate such orders to the petitioner within a period of one month ignoring the order of suspension that was quashed. The claim of the petitioner appears to have been considered by the respondents but only an amount of Rs.1,95,829/- has been paid. Hence, the order dated 06-05-2005 passed by this Court in W.P. No.1518 of 2004 appears to have been complied with. Merely, because the full claim of the petitioner has not been granted by the respondents, we cannot hold that the respondents have committed willful disobedience of the order dated 06/05/2005. In case, the petitioner is of the view that some more amount is due towards his salary, appropriate course for the petitioner is to file a writ petition in this Court or to lodge a claim before the appropriate forum for decision in accordance with law.

With the aforesaid observations, the contempt petition stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
Chief Justice

Sd/-
Sunil Kumar Sinha
Judge